

REMARKS / ARGUMENTS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated July 27, 2004 are respectfully requested. Claims 1-7, 15, and 17-28 are currently pending this application.

The Examiner rejected claims 1-4 and 6 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,786,296 (hereinafter, Howorth). Claim 1 has been amended to claim "an outer and inner surface portion of said cylindrical hollow part includes a layer of getter material" (emphasis added). Howorth does not teach "an outer and inner surface portion of said cylindrical hollow part includes a layer of getter material," as recited in claim 1, as amended. The getter layer of Howorth is only on one side (see, e.g., FIG. 1). To anticipate a claim, the reference must teach every element of the claim. MPEP 2131. Accordingly, Howorth does not anticipate claim 1. Claims 2-4 and 6, which depend from claim 1, are allowable because they depend from an allowable base claim.

The Examiner rejected claims 1 and 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,582,702 (hereinafter Almer). Claim 1 has been amended to claim "an outer and inner surface portion of said cylindrical hollow part includes a layer of getter material" (emphasis added). Almer does not teach "an outer and inner surface portion of said cylindrical hollow part includes a layer of getter material," as recited in claim 1, as amended. Rather, Almer teaches at col. 4, lines 31-41 and FIG. 1, a gas-binding coating on the outer side and an emissive coating on the inner side of a supporting body. To anticipate a claim, the reference must teach every element of the claim. MPEP 2131. Accordingly Almer does not anticipate claim 1. Claim 15, which depends from claim 1, is allowable because it depends from an allowable base claim.

The Examiner rejected claims 5 and 7 under 35 U.S.C. 103(a) as being unpatentable over Howorth in view of U.S. Patent 5,242,559 (hereinafter, Giorgi).

Since claim 1, from which claims 5 and 7 depend, is in a condition for allowance, claims 5 and 7 are also in a condition for allowance.

The Examiner asserts, on page 5 of the above-identified Office action, that U.S. Patent 5,856,726 (hereinafter, Evans et al.) "could also be used to reject many of these claims under 102 and 103." The Examiner goes on to state that Evans et al. teach "a cylindrical shaped electrode with an internal getter coating" as support for this assertion. Applicant respectfully points out that Evans et al. do not teach placing getter on an outer surface or partially coating a surface with getter material.

New independent claim 17 claims "a portion of said surface near said first end of said cathode is free of said layer of getter material." Applicant respectfully asserts that the prior art of record does not teach, for an outer or inner surface of a cathode with a layer of getter material, "a portion of said surface near to said first end of said cathode is free of said layer of getter material." Accordingly, claim 17 is allowable over the prior art of record. Claims 18-23, which depend from claim 17, are allowable for depending from an allowable base claim.

New independent claim 24 claims "a getter layer that partially covers an outer surface portion of the cylindrical hollow part." Applicant respectfully asserts that the prior art of record does not teach "a getter layer that partially covers an outer surface portion of the cylindrical hollow part." Accordingly, claim 24 is allowable over the prior art of record. Claims 25-28, which depend from claim 24, are allowable for depending from an allowable base claim.

In view of the foregoing, Applicant submits that the claims pending in the application patentably define over the prior art. A Notice of Allowance is therefore respectfully requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4300.

Respectfully Submitted,
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